

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	CG Docket No. 13-24
)	
Misuse of Internet Protocol (IP))	
Captioned Telephone Service)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech to Speech Services for Individuals with)	
Hearing and Speech Disabilities)	

**COMMENT BY THE ARIZONA COMMISSION FOR THE DEAF
AND THE HARD OF HEARING**

I. Introduction

The Arizona Commission for the Deaf and the Hard of Hearing (“ACDHH”) was established in 1977 to improve the quality of life for Arizona’s deaf and hard of hearing residents. ACDHH serves as a statewide information referral center for issues related to people with hearing loss. ACDHH aspires to be a leader in communication access, support services and community empowerment throughout the State of Arizona. Its mission is to ensure, in partnership with the public and private sectors, accessibility for the deaf, hard of hearing, deaf-blind and persons with speech difficulties to improve their quality of life.

ACDHH provides valuable services to the citizens of Arizona including a statewide 24-hour telephone relay service, providing telephone equipment for qualified residents, overseeing standards and licensing for sign language interpreters and providing outreach and educational opportunities in local communities.

On June 8, 2018, the Federal Communications Commission (“FCC”) released a Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking and Notice of Inquiry regarding Internet Protocol Captioned Telephone Service (“IP CTS”)¹. ACDHH submits these comments in response to the Further Notice of Proposed Rule Making (the “Proposed Rulemaking”) portion of the 2018 IP CTS Order.

¹ Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry (June 8, 2018) (the “2018 IP CTS Order”)

ACDHH commends the FCC for continuing to be a leader in the establishment and regulation of the provision of IP CTS services. However, ACDHH has several serious concerns regarding several aspects of the Proposed Rulemaking and believes that additional action must be taken before the transitions contemplated by the Proposed Rulemaking.

II. Abuse of IP CTS – Need for Uniform Approach

Again, ACDHH commends the FCC for recognizing the current abuse and misuse of the IP CTS and the concerns the continued abuse and misuse would have on those residents and citizens who rely on IP CTS in their everyday lives. We agree with the conclusions expressed in the 2018 IP CTS Order that prohibiting the linking of volume controls and captioning functions of an IP CTS device or software application will enable consumers utilizing the IP CTS services to access the amplification features without the need for the captioning services captions will result in a reduction in the unnecessary utilization of captioning services. We also agree that the FCC's focus on the marketing of IP CTS services and the offering of incentives is well-placed and should help reduce the use of IP CTS services by those consumers who do not need such services.

Attention should be devoted to make sure such marketing is truthful, not deceptive and not designed to encourage the unnecessary utilization of IP CTS services.

However, while ACDHH believes the FCC has made great strides in curbing the abuse and misuse of the available IP CTS services, we feel that more effort must be made on a Federal level to ensure that the efforts to address these issues are uniform and not left to the States to control. Turning such responsibility over to the States prematurely could lead to inconsistent regulation and/or enforcement and create significant confusion within the industry. A uniform approach to these issues is essential to establishing the stability and clear guidance necessary for the smooth administration and seamless provision of IP CTS to consumers across the country. Such an approach can only be conducted with the engagement of the FCC on a Federal level.

III. State Administration of IP CTS

ACDHH certainly believes that the States can play a larger role, if not take the outright lead, in the administration and provision of IP CTS services at the appropriate time. That time is not, however, now. We agree with the FCC that the States have the expertise, demonstrated skills and on-ground experience to assume the administrative functions with respect to IP CTS. However, what the States do not have is the necessary information to do so. While information

on the use of IP CTS services is available on a nationwide basis, this information is not available or, at least, has not been provided to the States on a State-by-State basis. No State-specific data has been provided with regard to provider costs, minute-usage, user enrollment and other very relevant information. This information is imperative to put the States in the best possible position to assume the responsibility for these very important functions. Without this State-specific information, ACDHH cannot assess the resources, funding and other logistical issues associated with assuming the administration of the IP CTS services for the State of Arizona. As a result, ACDHH is not able, at this time, to provide more comprehensive comments on its ability to assume these administrative functions.

In order to assume the responsibility for the administration of the IP CTS system, ACDHH, as well as similar organizations in other States, will need to address many logistical issues, many of which will take significant time and effort. From securing the necessary funding to potential legislative changes, the steps that will need to be taken in order for the States to assume the administration of the IP CTS system are significant and simply cannot be completed without the State-specific information which has been requested by the States on many occasions. Before any thought of turning the administration of the IP CTS system over to the States can be strongly considered, the FCC needs to segregate the information relating to provider cost, minute-usage, user enrollment by State or service area, and other relevant factors and provide this information to the States. Without doing so, the FCC would, in effect, be asking the States to blindly assume this significant responsibility, which could have a materially adverse impact upon the ultimate end-users of the IP CTS services. This is a result that nobody wants.

IV. Need for Uniform Standards

Prior to any transition of the administration of IP CTS to the States, attention should be given to establishing clear, concise and uniform standards with regard to user eligibility and acceptable standards of service. This is not something that should be left to the individual States. Consumers utilizing IP CTS services deserve that such services be seamless across the Country. This cannot be achieved without the FCC taking the lead role (in cooperation with the States) in the establishment of such standards. Uniformity here is crucial. Differing standards between States would be nothing but problematic for the consumers utilizing the IP CTS services.

V. Timing Issues

In the event the FCC elects to proceed with the transition of the administration of the IP CTS services to the States, ACDHH respectfully requests that the States be given sufficient time in which to prepare for the assumption of this significant obligation. ACDHH agrees with many other States and players in the IP CTS realm that a transition period of, at least, four (4) years would be needed to ensure that the States are able to step into the new contemplated role while still insuring that there is no disruption to the IP CTS services for the consumers who depend upon such services.

In order for the States to assume the contemplated administrative functions, significant logistical issues ranging from the appropriation of the necessary funding, establishment of sufficient staffing and potential legislative changes may need to be undertaken in each State. These activities cannot be commenced until the States have a clear idea as to the scope of functions that will be required. As addressed above, such clarity cannot be obtained unless the State-specific data is assembled and provided to the States. ACDHH respectfully requests that the FCC continue to work with the States to gather, segregate and provide the required State-specific information addressed above. It is only then that each State can begin to assess the actions which they will need to undertake to assume these obligations.

VI. Conclusion

ACDHH commends the FCC for its attention and devotion to the administration of IP CTS. However, ACDHH strongly encourages the FCC to continue with such administration to address the issues of concern raised herein. Uniformity is key in addressing these issues and such uniformity can only be achieved on a Federal level with the FCC's continued commitment to and engagement with the administration of IP CTS. Before considering turning such administration to the States, the FCC needs to provide the States with State-specific data to enable the States to determine: (i) what must occur in order for each State to seamlessly assume the administration of IP CTS in its State; and (ii) when it would be in the best interests of the consumers utilizing the IP CTS services to have such a transaction take place.